



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2019-0082
Approved by Planning and Zoning:	October 22, 2019
Permission is hereby granted to:	Quang Nguyen
to use the premises located at:	606 King Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

10/22/2019  
Date

Karl Moritz (457)  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: October 22, 2019

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Max Ewart, Planner I, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0082  
Administrative Review for a Change of Ownership  
Site Use: Restaurant  
Applicant: Quang Nguyen  
Location: 606 King Street  
Zone: KR/King Street Urban Retail Zone

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### **Request**

Special Use Permit #2019-0082 is a request for a change of ownership to operate a restaurant in a commercial space at 606 King Street from Bruegger's Enterprises, Inc. to Quang Nguyen. The restaurant would be named Pho Nam Restaurant and would serve Vietnamese food. The applicant does not propose any changes to the operation and would operate it under the conditions of the previously approved Special Use Permit #2006-0029.

The previously approved operational details include:

Hours of Operation: 5 a.m. – 11 p.m., daily

Seating: 50

Noise: Minimal noise is expected.

Odors: Minimal odors from a restaurant are expected.

### **Background**

The subject site has been occupied by varying business types. In the past, the commercial space was filled by the financial institutions F&M Bank, Bank of Alexandria and BB&T Bank. Most recently, City Council approved SUP #2006-0029 for a Bruegger's Bagels restaurant on June 17, 2006.

There have been no zoning violations registered at this site within the past five years.

### **Parking**

The subject property is located within the Central Business District (CBD). Restaurants located within the CBD are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, The Old Town Civic, West Old Town Citizens, and Upper King Neighborhood Associations were sent email notification of the current application. Staff did not receive any comments regarding the application.

### **Staff Action**

Staff supports the applicant's request for a change of ownership for a restaurant located at 606 King Street. The request to change the ownership of the business is reasonable and would occupy a commercial space that has been vacant for some time. Staff has carried over conditions from the previously approved Special Use Permit, deleting or updating those that are no longer relevant.

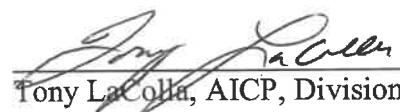
The following conditions were deleted: Condition #8, related to customer parking, was deleted and replaced with Conditions #27, #28 and 30, which include current City parking programs; Conditions that were deleted as they were satisfied by the previous restaurant owner are: Condition #9, requiring the applicant to reach out to the Police Department for a crime prevention survey; Condition #12, regulating the streetscape; and Condition #16, controlling the design of the façade. Staff has also amended and added conditions to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

### **ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: October 22, 2019

Action: Approved



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Tony LaColla, AICP, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

## CONDITIONS OF SPECIAL USE PERMIT #2019-0082

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2006-0029)
2. The hours of the restaurant shall be limited to 5 a.m. – 11 p.m., daily. (P&Z) (SUP #2006-0029)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2006-0029)
4. The seating capacity shall be limited to 50 seats. (P&Z) (SUP #2006-0029)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2006-0029)
6. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be ~~placed~~ stored inside or in sealed containers which do not allow odors to escape, ~~and shall be stored inside or in closed containers which do not allow~~ invasion by animals, or leaking. No trash and debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2006-0029)
7. No live entertainment shall be provided at the restaurant (P&Z) (SUP #2006-0029)
8. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (PC) (SUP #2006-0029)
9. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** The applicant shall ~~contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees.~~ (P&Z) (SUP #2006-0029)
10. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 27:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to travel to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities~~ (P&Z) (SUP #2006-0029)

11. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (~~SUP #2006-0029~~)
12. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** ~~Applicant shall contribute to the Streetscape Beautification Fund for the installation of litter receptacles along the public right of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP #2006-0029)~~
13. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (~~T&ES~~) (~~SUP #2006-0029~~) (P&Z)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2006-0029)
15. Loudspeaker shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2006-0029)
16. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** ~~The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements:~~
  - a. ~~No lighted signage in the windows is permitted.~~
  - b. ~~Lighting fixtures in the dining area and serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.~~
  - c. ~~Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.~~
  - d. ~~Flooring within the dining area shall be ceramic tile.~~
  - e. ~~Any tiling on the vertical surface of the cashier/service counter shall be generally solid color and/or design.~~
  - f. ~~Interior doors leading to or from the dining area shall be constructed of paneled wood.~~
  - g. ~~Decorative wood interior trim shall include moldings and other detail, such as rosettes.~~
  - h. ~~Menu boards, if any, shall not be backlighted or have any internal lighting.~~
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse

zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #2006-0029)

18. The applicant shall require that its employees who drive to work use off-street parking. (PC) (SUP #2006-0029)
19. **CONDITION ADDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
20. **CONDITION ADDED BY STAFF:** On premises alcohol sales are permitted. (P&Z)
21. **CONDITION ADDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. (P&Z)
22. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
23. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
24. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
25. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
26. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
27. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed

and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)

29. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)
30. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z)

## STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0082. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 606 King Street.

Quang H. Nguyen  
Applicant – Signature

10-24-19  
Date

QUANG H. NGUYEN  
Applicant – Printed

10-24-19  
Date